

**United States District Court
for the District of Massachusetts**

Petition and Affidavit for Warrant or Summons for Offender Under Supervision

Name of Offender: Francisco Rivera

Case Number: 03-10389-02

Name of Sentencing Judicial Officer: Honorable Patti B. Saris, U.S. District Judge

Date of Original Sentence: 7/21/04

Date of 1st Violation Sentence: 4/4/06

Date of 2nd Violation Sentence: 2/27/07

Original Offense: Felon in Possession of Firearm, in violation of 18 U.S.C. §922(g)

Possession of Firearm with Obliterated Serial Number, in violation of 18 U.S.C. §922(k)

Original Sentence: 37 months' custody, 3 years' supervised release

1st Violation Sentence: Time served (12 days in custody), 30 months' supervised release

2nd Violation Sentence: 5 weeks' custody, 30 months' supervised release (with special conditions of 4 months' at Correctional Alternative Center and 4 months residence at a sober house)

Type of Supervision: Supervised Release

Date Supervision Commenced: 10/7/05

2nd Date Supervision Re-commenced: 4/4/06

3rd Date Supervision Re-commenced: 3/23/07

Asst. U.S. Attorney: Sandra Bower

Defense Attorney: Charles McGinty

PETITIONING THE COURT

To issue a warrant
 To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number **Nature of Noncompliance**

I

Violation of Special Condition: The defendant is to reside at the Lawrence Correctional Alternative Center for the first four months of supervision.

On March 23, 2007, Mr. Rivera reported as instructed to the Lawrence Correctional Alternative Center (CAC). According to an incident report received from the Essex County Sheriff's Office, dated 6/25/07, Mr. Rivera was terminated and ordered off of the facility after an incident that evening at approximately 7:25pm. According to the report, a count was scheduled for 7:00pm; however, Mr. Rivera did not appear for the count until 7:28pm, after repeated calls on the paging system. When Mr. Rivera showed up for the late count, he was instructed to have a seat on the bench in the lobby area. Mr. Rivera refused this order, stating that he would not sit on the bench until 8:00pm and proceeded to return to his room upstairs. Officers went to Mr. Rivera's room, where they located him outside of the room and instructed him to return to sit on the bench. On the way down to the bench Mr. Rivera stated

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that he did not "give a fuck if he got kicked out of the facility." Mr. Rivera reportedly referred to one of the officers as a "steroid freak." Mr. Rivera was subsequently terminated from the program.

U.S. Probation Officer Recommendation:

The term of supervision should be:

Revoked
 Extended for year(s), for a total term of years.

The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Reviewed/Approved by:

Joseph LaFratta
Supervising U.S. Probation Officer

Respectfully submitted,

By

Lisa Dube
U.S. Probation Officer
Date: 7/9/07

THE COURT ORDERS

No Action
 The Issuance of a Warrant
 The Issuance of a Summons
 Other

Lisa Dube
Signature of Judicial Officer

7/13/07
Date